



## MEMORANDUM

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**To:** The Honorable Nathaniel M. Gorton, U.S. District Judge  
**From:** Patrick Skehill, U.S. Probation Officer  
**Re:** KIM, Eldo, Dkt. No. 14-cr-10301  
Request for the Court to return Mr. Kim's passport for international travel  
**Date:** December 2, 2015

On August 18, 2013, the defendant appeared before the Honorable Judith G. Dein, U.S. Magistrate Judge for his arraignment following his arrest for a Bomb Threat, in violation of 18 U.S.C. § 1038(a). On that date, the Court ordered Mr. Kim released on \$100,000 unsecured bond to the third party custody of his sister, Tami Kan and uncle, Steve Ha. The defendant's conditions of release included the following: Surrender any passport to the Probation Office and obtain no new passport. In accordance with the Court's order, Mr. Kim surrendered his U.S. Passport to our office the following day.

Mr. Kim remained under pretrial supervision until October 10, 2014, at which time Assistant U.S. Attorney, John Capin, filed an Information charging the defendant with Conveying False Information Concerning a Bomb Threat, in violation of 18 U.S.C 1038(a). Simultaneously, AUSA Capin submitted a formal request to the Probation Office asking that the defendant be considered for a Pretrial Diversion Program for a period of 18 months. After the Probation Office determined Mr. Kim was a suitable candidate for the diversion program, he commenced his diversion period on December 3, 2014. Conditions of the defendant's diversion agreement included the following: Restrict travel to Massachusetts and do not leave the judicial district without receiving prior permission from the U.S. Probation and Pretrial Services Office; Participate in mental health treatment if deemed necessary by the U.S. Probation and Pretrial Services Office; Complete 750 hours of community service; Pay restitution in the amount of \$23,039 to compensate for costs related to law enforcement and first responders; and issue a statement of apology to the Harvard community, City of Cambridge, and first responders.

Since entering the diversion program, Mr. Kim has complied fully with all aspects of his supervision. In addition to completing his mental health assessment, which recommended no further treatment, the defendant is on pace to complete his 750 hours of community service by his termination date, and has made arrangements to pay his restitution in full by December 5, 2015. We would note that

Mr. Kim had offered to pay his restitution earlier, but was unable to do so due to a delay in receiving the victims information from the U.S. Attorneys Office. Unfortunately, despite the progress he has made on supervision, Harvard University denied his request to return to the school to resume his academic studies. As a result, he submitted applications to other academic institutions and was recently invited to attend an enrollment interview at Oxford University in Oxford, England.

Given the nature of his travel, coupled with the fact he has complied fully with his terms of supervision, neither the Probation Office or the government are opposed to Mr. Kim traveling to England later this month to attend his enrollment interview. In order for Mr. Kim to travel internationally, we will need Your Honor's permission to temporarily return his United States Passport. Mr. Kim has been directed to return his passport to our office on December 15, 2015, the day he is scheduled to return from England. If Your Honor has no objection to this travel, kindly indicate by signing below.

Reviewed & Approved by:

/s/Jeffrey R. Smith

Jeffrey R. Smith  
Supervising U.S. Probation Officer

I concur ✓

I do not concur \_\_\_\_\_

Nathaniel M. Gorton

The Honorable Nathaniel M. Gorton  
United States District Judge

Date: 12/3/15